

EXHIBIT B

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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|--|---|------------------------|
| IN RE: | § | |
| VICTOR MANUEL GALLEGOS | § | Case No. 16-32555 |
| d/b/a V&V OTR TYRES WORLDWIDE, | § | Chapter 13 |
| a/k/a OTR TYRES WORLDWIDE, | § | |
| a/k/a V&V OTR TYRES | § | |
| Debtor | § | |
| | § | |
| <hr style="border: 0.5px solid black;"/> | | |
| RONALD J. SOMMERS TRUSTEE | § | |
| Plaintiff | § | Adversary No. 16-03285 |
| | § | |
| VS | § | |
| | § | |
| MINING GLOBAL CORPORATION, | § | |
| VICTOR ISRAEL GALLEGOS, | § | |

PLAINTIFF'S MOTION FOR ALTERNATIVE SERVICE

TO THE HONORABLE JUDGE OF SAID COURT:

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY

Ronald J. Sommers, Trustee represents:

1. On July 31, 2017, Plaintiff commenced the captioned adversary proceeding.

2. The two Defendants are the son of the Debtor and the son's company. Although not a party to this adversary proceeding, the Debtor's testimony is necessary for the Trustee to prosecute his claims.

3. On July 28, 2017, the Trustee delivered to a process server a Subpoena to Victor Manuel Gallegos to Testify at a Deposition in a Bankruptcy Case and Request for Production of Documents with Subpoena Dueces Tecum.¹ The deposition is scheduled for August 15, 2017.

4. According to the Affidavit of Service attached hereto as Exhibit "A", several attempts to serve the Debtor were made. The deposition notice and subpoena are attached hereto as Exhibit "B"

5. Attempts to serve process on the debtor have been unsuccessful, as set out in the Affidavit that is attached hereto and incorporated by reference herein. Trustee attempted service of process through an authorized private process server, Ryan Hershey (the "Process Server"), three (3) times at 7910 Anza Street, Houston, Texas 77012 the usual place of abode and residence of Victor Gallegos. Despite the three attempts to serve Mr. Gallegos, apparently, he has refused service. (See Exhibit "A" attached hereto)

6. The efforts to serve the Debtor have been reasonable.

7. The Trustee has not received any communication from the Debtor as to the notice of deposition.

8. Alternative service is necessary.

9. The Trustee proposes that alternative means of service of the Subpoena and Notice of Deposition be as follows:

¹ The Debtor is not represented by counsel, as a witness, in this adversary proceeding. As a courtesy, on July 28, 2017, the Trustee's counsel spoke to Debtor's counsel to inform him of the Trustee's desire to depose the Debtor. The Trustee sent Debtor's counsel a copy of the deposition notice.

- a. Mailing by first class mail and certified mail, a copy of the Subpoena and Notice of Deposition to the Debtor to his residence address of 7910 Anza Street, Houston, Texas 77012 with a certificate of service to be filed with the Court..

WHEREFORE, the Trustee prays that the Court grant this Motion for Alternative Service and grant him such other and further relief, in law and in equity, as is just.

THE GERGER LAW FIRM, PLLC

By: /s/ Alan S. Gerger
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Federal Id. 2646
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Houston, Texas 77098
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asgerger@gerglaw.com

ATTORNEYS FOR RONALD J.
SOMMERS, CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Notice was served upon those shown below in the manner shown on August 14, 2017:

Mining Global, by and through its registered agent, Victor Gallegos at 7313 Gulf Freeway, #703, Houston, Texas 77017 via email: vick_gallegos@yahoo.com, First Class Mail,.

Victor Gallegos, 7313 Gulf Freeway, #703, Houston, Texas 77017 via email: vick_gallegos@yahoo.com, First Class Mail.

By: /s/ Alan Gerger
Alan Gerger

United States Bankruptcy Court
Southern District of Texas
Houston Division

| | | |
|---------------------------|---|--------------------------|
| In Re: | § | Case No. 16-32555 |
| Victor Manuel Gallegos | § | |
| Debtor | § | |
| | § | |
| Ronald J. Sommers Trustee | § | (Chapter 13) |
| Plaintiffs | § | |
| | § | |
| Mining Global Corporation | § | |
| Victor Israel Gallegos | § | Adversary Proceeding No. |
| Defendants | § | 16-03285 |

AFFIDAVIT OF PROCESS SERVER

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|------------------|---|
| STATE OF TEXAS | § |
| | § |
| COUNTY OF HARRIS | § |

Before me the undersigned, on this day personally appeared, the undersigned affiant, who, after being duly sworn, deposed and stated the following: My name is Ryan Hershey, I am over the age of eighteen (18) years, and have not been convicted of a felony or misdemeanor involving moral turpitude. I am familiar with the Federal Rule of Civil Procedure involving civil process service. I am not a party to the noted suit and have no interest in the outcome of this matter. All of the statements herein are true and correct.

On July 28, 2017 at 12:00 pm I received a Subpoena To Testify At A Deposition In A Bankruptcy Case, Notice Of Deposition and Requests For Production Of Documents With Subpoena Duces Tecum and Exhibits 1-4 attached to be delivered to Victor Manuel Gallegos at 7910 Anza Street Houston, Texas 77012.

On July 31, 2017 at 8:34 am I attempted to deliver a Subpoena To Testify At A Deposition In A Bankruptcy Case, Notice Of Deposition and Requests For Production Of Documents With Subpoena Duces Tecum and Exhibits 1-4 attached to be delivered to Victor Manuel Gallegos at 7910 Anza Street Houston, Texas 77012. After not receiving an answer I left my business card stating that I had a delivery for Victor Manuel Gallegos.

On July 31, 2017 at 6:45 pm I attempted to deliver a Subpoena To Testify At A Deposition In A Bankruptcy Case, Notice Of Deposition and Requests For Production Of Documents With Subpoena Duces Tecum and Exhibits 1-4 attached to be delivered to Victor Manuel Gallegos at 7910 Anza Street Houston, Texas 77012. Upon arrival to the residence I noticed that my business card was removed from the front door. After not receiving an answer I left my business card stating that I had a delivery for Victor Manuel Gallegos.

On August 1, 2017 at 8:34 am I attempted to deliver a Subpoena To Testify At A Deposition In A Bankruptcy Case, Notice Of Deposition and Requests For Production Of Documents With Subpoena Duces Tecum and Exhibits 1-4 attached to be delivered to Victor Manuel Gallegos at 7910 Anza Street Houston, Texas 77012. After not receiving an answer I left my business card stating that I had a delivery for Victor Manuel Gallegos.

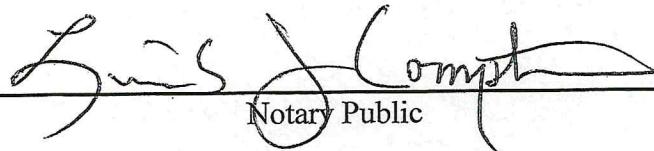
As of today I have not heard from Victor Manuel Gallegos.



Affiant, Ryan Hershey

On this day appeared Ryan Hershey known to me to be the person whose signature appears on the foregoing affidavit. After being duly sworn he/she stated that the information contained in the affidavit is true and correct.

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS 4 DAY OF August, 2017



Notary Public

